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**OFFICE OF PETITIONS**

In re Application of
Jakobovits et al.
Application No. 09/187,693
Filed: November 5, 1998
Attorney Docket No. CELL 4.20 CIP2 CPA

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ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 6, 2003, to revive the above-identified application.

The petition is **granted.**

This application became abandoned for failure to timely reply within three months to the final Office action mailed August 27, 2002. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on November 28, 2002. A Notice of Abandonment was mailed on April 22, 2003.
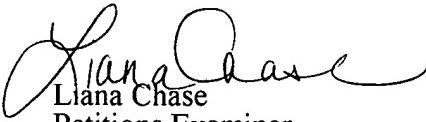
Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

**The Notice of Appeal filed October 6, 2003, has been entered and made of record. Accordingly, the 2-month period for filing the appeal brief, in triplicate, accompanied by the fee required by law, runs from the date of this decision.**

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $950.00 extension of time fee submitted with the petition on October 6, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

The file is now being forwarded to Technology Center 1600 for further processing.

Telephone inquiries should be directed to the undersigned at (703) 306-0482.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
    for Patent Examination Policy